

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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LUIS ROSALES,

Plaintiff,

07 Civ. 10554 (LAP) (DFE)

- against -

MEMORANDUM AND ORDER

BRIAN FISCHER, Defendant # 1;  
EDWARD J. SWEENEY, Defendant #2;  
H. KIHENDALL, Defendant #3;  
LUCIEN J. LeCLAIRE, Defendant #4;  
KEITH F. DUBRAY, Defendant #5;  
LESTER N. WRIGHT, Defendant #6;  
HOLLY A. COLLETT, Defendant #7;  
ENNE MARTONE, Defendant #8;  
KAREN BELLAMY, Defendant #9;  
ROBERT E. ERCOLE, Defendant #10;  
LUCAS [Deputy Superintendent  
at Green Haven Correctional  
Facility], Defendant #11;  
B. LIGHT, Defendant #12;  
W. KELLY, Defendant #13;  
B. HOPE, Defendant #14;  
PURCELL, Defendant #15;  
CEFALONI, Defendant #16;  
D. WILLIAMS, Defendant #17;  
BETSY KELLY, Defendant #18; and  
JOHN SHANE, Defendant #19,

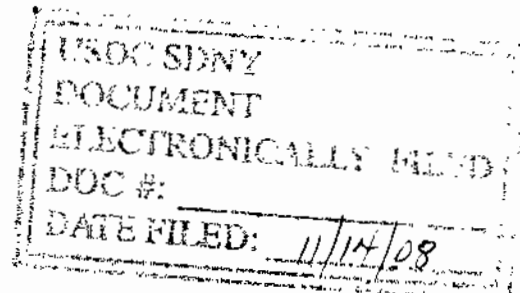
Defendants.

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DOUGLAS F. EATON, United States Magistrate Judge.

1. District Judge Loretta S. Preska has referred this case to me to conduct general pretrial supervision. This means that I will rule on pretrial scheduling and discovery, but any dispositive motions, such as dismissal motions, should be addressed to Judge Preska.

2. A review of the Court records indicates that the complaint was filed on November 26, 2007, and there is no proof that the summons and complaint have been served upon any of the defendants. Rule 4(m) of the Federal Rules of Civil Procedure provides:

If service of the summons and complaint is  
not made upon a defendant within 120 days



after the filing of the complaint [i.e., by March 25, 2008], the court, upon motion or on its own initiative after notice to the plaintiff, shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time; provided that if the plaintiff shows good cause for the failure, the court shall extend the time for service for an appropriate period...

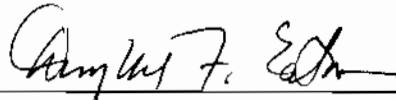
3. I direct Mr. Rosales to complete all action needed for formal service of the summons and complaint upon each defendant. For this purpose, plaintiff must fill out the forms provided by this Court's Pro Se Office and forward them to the U.S. Marshal. If plaintiff needs more forms, he should request them from the Pro Se Office.

4. If plaintiff does not, by March 25, 2008, send me proof of service or good reasons for failure to make service, then I will recommend that the District Judge dismiss this lawsuit as to any unserved defendant.

5. As soon as any defendant has been served, plaintiff must write to me within 20 days to tell me which defendant has been served.

6. Plaintiff is required to give prompt written notice, to both the Pro Se Office and my chambers, about any change of address. Failure to do so may result in a dismissal of the lawsuit.

7. The address of the Pro Se Office is Room 230, United States Courthouse, 500 Pearl Street, New York, NY 10007, and their telephone number is (212) 805-0175. They can provide assistance in connection with the Court's procedures, but they can not give legal advice.



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DOUGLAS F. EATON  
United States Magistrate Judge  
500 Pearl Street, Room 1360  
New York, New York 10007  
Telephone: (212) 805-6175  
Fax: (212) 805-6181

Dated: New York, New York  
January 14, 2008

Copies of this Memorandum and Order are being sent by mail to:

Luis Rosales  
(91-A-3067)  
Wende Correctional Facility  
Wende Road  
P.O. Box 1187  
Alden, NY 14004

Pro Se Office  
U.S. District Courthouse  
500 Pearl Street, Room 230  
New York, NY 10007

Hon. Loretta A. Preska